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Department of Water Resources

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase No. 34-00470A  
)  
)

Case No. 39576  
\_\_\_\_\_ )

) ORDER DISMISSING  
) DIANE W. RENO AS A PARTY  
)

A claim for this water right was filed by Lynn D. and Diane W. Reno pursuant to I.C. § 42-1409. Before this water right could be finalized, Mrs. Diane W. Reno died. At a hearing on March 28, 1996, Mr. Lynn D. Reno requested leave of court to substitute as the sole claimant to this water right in place of the deceased Mrs. Diane Reno. Mr. Reno is the only party to this subcase. There were no objections to the *Motion*.

Idaho Rule of Civil Procedure 25(a)(1) provides for the substitution of parties upon death. The rule establishes that if a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The rule also provides that a motion for substitution may be made by the successors or representatives of the deceased.

A hearing was held on March 28, 1996. The only party and IDWR had no objection to the dismissal of Mrs. Diane Reno as a party pursuant to I.R.C.P. 25(a)(1). Mr. Lynn Reno represented to the court that he is the representative of the Estate of Mrs. Diane W. Reno, and is also her sole heir.

Water right claims in Idaho are not extinguished upon the death of a claimant. The court shall consider the request by Mr. Reno as a *Motion for Substitution* under I.R.C.P. 25(a).

Therefore, under I.R.C.P. 25(a)(1) it is appropriate to **dismiss** Mrs. Diane W. Reno as a party to this subcase and to **substitute** Mr. Lynn D. Reno as the sole claimant for this water right.

IT IS ORDERED that:

1. Mrs. Diane W. Reno is **dismissed** as a party to this subcase.
2. Mr. Lynn D. Reno shall remain as the sole claimant for this water right.

DATED April 1, 1996.

  
BRIGETTE BLYEU  
Special Master, Reporting Area 1  
Snake River Basin Adjudication

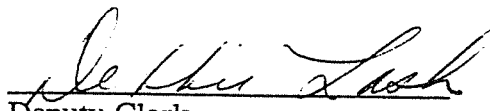
#### CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING DIANE W. RENO AS A PARTY was mailed on April 1, 1996, with sufficient first-class postage to the following:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

The United States Department of Justice  
Environment and Natural Resources Division  
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Boise, ID 83724

Lynn D. Reno  
9417 Eucalyptus Dr.  
Bakersfield, CA 93306

  
Deputy Clerk